

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	No. 20-cr-10197-LTS-3
)	
WILSON GONCALVES-MENDES)	

MOTION FOR RELEASE FROM CUSTODY

Defendant Wilson Goncalves-Mendes (“Mr. Goncalves-Mendes”), in connection with his detention hearing on October 30, 2020, hereby submits this response to the testimony of Agent Michael Romeo (“Agent Romeo”) from the Bureau of Alcohol, Tobacco, and Firearms (“ATF”) and the government’s argument at the hearing. See ECF No. 176 (“Defendant may file something in addition upon review [of draft transcript (“transcript”) and report regarding search warrant] and government may file reply.”)

A transcript of a phone call on May 7, 2019 between codefendant Ricky Pina (“Pina”) and Mr. Goncalves-Mendes was the subject of testimony by Agent Romeo at the hearing. While the government had not disclosed the transcript to the defense prior to the hearing, the government has since provided a copy of the transcript. See Transcript at Ex. A. Contrary to Agent Romeo’s testimony and the government’s argument at the hearing, the transcript fails to state that Mr. Goncalves-Mendes sold fifty-thousand dollars of drugs while on home confinement. In fact, the transcript neither mentions drugs nor the term “fifty-thousand.”

Rather, the transcript indicates that Mr. Goncalves-Mendes asked Pina if he knew “how much I made already.” See *id.* When Pina inquires “[h]ow much,” Mr. Goncalves-Mendes answers “fifty.” Both men agree that this occurred “[a]t the crib,” with Pina stating that men “ain’t even doing that five years on the strip” and that, after Mr. Goncalves-Mendes “beat[s] that case” for which he is detained at home, Pina and Goncalves-Mendes are going to “run it up.”

While the government invites the Court to make an *inference* from the transcript, that inference is far from established. Again, neither “drugs” (explicitly or in code) or “fifty-thousand” are mentioned in the transcript. It is far from clear what the “fifty” mentioned by Mr. Mendes-Goncalves even referred to, and – in any case – the number was “fifty” and not “fifty-thousand.” Moreover, Agent Romeo testified that agents recovered approximately \$600 when agents searched Mr. Goncalves-Mendes’s Brockton home on June 16, 2020, a quantity far less than the claimed “fifty-thousand.”

Further, Agent Romeo testified erroneously when he stated that all of the suspected drugs located at Mr. Goncalves-Mendes’s home were found in his bedroom. In fact, the suspected fentanyl was found in a “stairwell leading to the basement,” not Mr. Goncalves-Mendes’s bedroom. *See* Report of ATF Agent Christopher Scott at ¶ 7, attached at Ex. B. Like the other alleged contraband, it is far from established that this fentanyl belonged to Mr. Goncalves-Mendes. Moreover, the legality of the search of the basement – not specifically named or described in the warrant – is subject to a viable motion to suppress evidence, along with the search of the apartment.

Finally, government counsel erred when he argued that Mr. Goncalves-Mendes could obtain a passport and travel to Cape Verde. In fact, agents seized Mr. Goncalves-Mendes’s passport during the search. *See id.* at ¶9. The government’s multiple misstatements concerning the evidence casts yet further doubt on the conclusions the government asks the Court to draw.

For the above reasons, as well as the reasons stated at the hearing, this Court should grant Mr. Goncalves-Mendes’s request for release.

Respectfully Submitted,
WILSON GONCALVES-MENDES
By his attorney:

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DATE: November 4, 2020

CERTIFICATE OF SERVICE

I, David J. Grimaldi, hereby certify that a true copy of this motion was served on all registered participants via CM/ECF this 4th day of November, 2020.

/s/ David J. Grimaldi
David J. Grimaldi